

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK GLAVIANA, SR., ET AL.

VERSUS

CIVIL ACTION NO. 09-38-JJB-SCR

RAUL R. NEVAREZ, ET AL.

RULING AND ORDER ON MOTIONS IN LIMINE

Before the Court are motions in limine filed by defendants Knight Transportation, Inc., Raul R. Nevarez, and AIG Casualty Insurance Company (collectively, “defendants”) to exclude certain portions of expert reports filed by plaintiffs Mark Glaviana, Sr., Mary Glaviana, and Mark Glaviana, Jr. (collectively, “plaintiffs”). Specifically, defendants seek to exclude portions of the report of plaintiff’s neuropsychologist, Dr. Roberta Bell, (Doc. 111) and portions of the life care plan submitted by Drs. Cornelius Gorman and Shelly Savant (Doc. 112). Plaintiffs have filed oppositions to these motions. (Docs. 113, 114). The Court held a pretrial conference on November 17, 2011, wherein the Court heard brief discussion of these matters, took them under advisement, and promised a pretrial ruling. Oral argument is unnecessary. Jurisdiction exists under 28 U.S.C. § 1332.

For the reasons stated in plaintiffs’ opposition memoranda, the Court DENIES the motions in limine. Defendants do not object to the qualifications of these experts, but merely contest the factual foundation for their opinions. Under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and Fed. Rule Evid. 702, both expert reports meet the minimum threshold requirements of reliability and relevancy. “As a general rule, questions relating to the bases and sources of an expert’s opinion affect

the weight to be assigned that opinion rather than its admissibility and should be left for the jury's consideration." *United States v. 14.38 Acres of Land*, 80 F.3d 1074, 1077 (5th Cir. 1996) (citation omitted). The Court rules that defendants' objections may adequately be explored through cross-examination.

ORDER

Defendants' motions in limine (Docs. 111, 112) are DENIED.

Signed in Baton Rouge, Louisiana, on November 21, 2011.



**JAMES J. BRADY, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**